

**Notice of Allowability**

Application No.

09/903,612

Examiner

Kaveh Abrishamkar

Applicant(s)

POELUEV ET AL.

Art Unit

2131

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Request for Continued Examination (RCE) filed on 12/18/2006.
2. ☒ The allowed claim(s) is/are 1-10 and 12-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

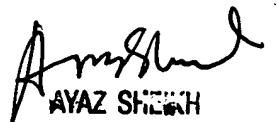
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 02/26/2007
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Brett Slaney (Reg. No. 58,772) on February 26, 2007.

3. The application has been amended as follows:

Claim 1 (currently amended):

A method for providing cryptographic functions to data packets below the network layer of a network stack and hidden from said network layer, the method including the steps of:

intercepting in the data link layer of said network stack, datagrams outbound to and inbound from said network layer, said datagrams being encapsulated by a header and a footer associated with said data link layer and having at least one encapsulated data packet;

decapsulating said datagrams by removing said header and said footer to retrieve said at least one encapsulated data packet;

examining said at least one encapsulated data packet ~~and referencing a security policy~~ to determine whether to process said at least one encapsulated data packet ~~according to said security policy~~ using said cryptographic functions by referencing a

Art Unit: 2131

security policy comprising one or more processing rules and selecting at least one processing rule for said at least one encapsulated data packet according to said security policy;

if said at least one encapsulated data packet requires processing, modifying said at least one encapsulated data packet to provide said cryptographic functions;

preparing reconstructed datagrams by re-encapsulating said at least one encapsulated data packet with said header and said footer; and  
providing said reconstructed datagrams back to said data link layer for continued transmission along said network stack.

#### **REASONS FOR ALLOWANCE**

1. Claims 1-10, and 12-15 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. The above mentioned claims are allowable over the Cited Prior Art (CPA) of record because the CPA fails to teach or render obvious the claim limitations, as recited in independent claims 1, 5, and 10, and subsequent dependent claims.
4. The CPA does not teach or suggest a method or system, which provides cryptographic functions to data packets below the network layer of a network stack hidden from the network layer by intercepting datagrams at the data link layer, decapsulating the datagrams, referencing a security policy for a data packet and selecting a security policy to apply to the packet before reconstructing the data packet and passing it back to the data link layer for continued transmission along the network

Art Unit: 2131

stack. The CPA discloses intercepting the packet and applying the packet with IPSec processing. However, the CPA does not intercept the packet and apply the processing at the data link layer, but instead, it does this security processing at a higher layer, which is not hidden from the network layer. Therefore, the claims are deemed allowable over the CPA.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/26/2007

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100